

FORCHELLI, CURTO, DEEGAN, SCHWARTZ, MINEO & TERRANA, LLP

COUNSELORS AT LAW

THE OMNI
333 EARLE OVINGTON BLVD., SUITE 1010
UNIONDALE, NEW YORK 11553
TELEPHONE: (516) 248-1700
FACSIMILE: 1-866-900-8016

WEBSITE: WWW.FORCHELLILAW.COM

KEITH J. FRANK
PARTNER
kfrank@forchellilaw.com

October 22, 2014

District Court Judge Sandra J. Feuerstein
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: **Aaron Belin, et al v. Maxi-Aids, Inc., et al**
Docket No. : 14-CV-3028 (SJF)(SIL)
LETTER MOTION FOR SUA SPONTE RELIEF OR
AN EXTENSION OF TIME TO ANSWER

Dear Judge Feuerstein:

We represent the defendants Maxi-Aids, Inc., Inc., Elliot Zaretsky, Harold Zaretsky, Shirley Zaretsky, M&H Inc., ILGAR Inc. a/k/a ABLE-VISION, Larry DiBlasi, Latonya Thompson, Pamela Stein and Theresa Butler in the above action. We are in receipt of a letter dated October 21, 2014 from counsel for co-defendants SHS and G & M requesting that this Court *sua sponte* dismiss the instant action as barred by res judicata, the Rooker-Feldman doctrine and because the pleading otherwise violates Rule 8 of the Federal Rules of Civil Procedure. We are also in receipt of a letter dated October 22, 2014 from counsel for Solomon & Herrera, PLLC, Michael D. Solomon, Susan Rubin & Daniel Herrera requesting the same relief.

We write to respectfully join in the above co-defendants' request for *sua sponte* dismissal of this action for the reasons put forth in counsel's October 21, 2014 letter. The above parties represented by our firm were also parties to the prior dismissed federal action at 10-cv-3771, which arose from the same transactions put forth in the present Amended Complaint or could have been raised in the prior federal action and should be barred as a matter of law.

As put forth in a letter of this same date to Magistrate Judge Stephen I. Locke we had made application to the Court for an extension of time to Answer or otherwise move on consent up to and including **November 17, 2014**. However, upon review of the above correspondences from counsel after having filed this application, it is respectfully requested that if the court does

not dismiss the First Amended Complaint *sua sponte* that Maxi-Aids, Inc., Elliot Zaretsky, Harold Zaretsky, Shirley Zaretsky, M&H Inc., ILGAR Inc. a/k/a ABLE-VISION, Larry DiBlasi, Latonya Thompson, Pamela Stein and Theresa Butler be granted the same extension of time as the other defendants to **December 10, 2014** to Answer or otherwise respond to the First Amended Complaint.

Thank you.

Respectfully submitted,



Keith J. Frank, Esq.

cc: Magistrate Judge Stephen I. Locke
Aaron Berlin, Plaintiff Pro Se
Dora Berlin, Plaintiff Pro Se
Feige Zaretsky, Plaintiff Pro Se
Robert Hewitt, Esq.
Michael G. McAuliffe, Esq.
Dr. Jeremy Tiegerman, PSY.D.
David Wacholder
Miranda Sambursky Slone Sklarin Verveniotis, LLP
Michael A. Miranda

Counsel for remaining parties by ECF